

AMENDED IN ASSEMBLY MARCH 18, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 121

Introduced by Assembly Member Battin

January 14, 1997

An act to amend Section 52332 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 121, as amended, Battin. Seed: labeling.

Under the California Seed Law, the Secretary of Food and Agriculture, by regulation, may establish methods and procedures for the conciliation or mediation of disputes between ~~a labeler~~ *labelers of agricultural or vegetable seed, or both*, and any ~~person~~ *persons* concerning the conformance with label statements as required by the law.

This bill also would authorize the secretary, by regulation, to establish methods and procedures for the arbitration of those disputes.

In addition, the bill would authorize the secretary, by regulation, to establish methods and procedures for the conciliation, mediation, or arbitration of disputes between seed buyers and registered seed labelers concerning the contamination of purchased seeds by seedborne diseases.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52332 of the Food and
2 Agricultural Code is amended to read:

3 52332. The secretary, by regulation, may adopt all of
4 the following:

5 (a) A list of the plants and crops that the secretary
6 finds are or may be grown in this state from agricultural
7 or vegetable seed.

8 (b) A list of the plants and crops that the secretary
9 finds are detrimental to agriculture if they occur
10 incidentally in other crops, and which, therefore, are
11 classed as weed seed except if sold alone or as a specific
12 constituent of a definite seed mixture.

13 (c) A list of noxious weed seed that the secretary finds
14 are prohibited noxious weed seed, as defined in this
15 chapter.

16 (d) A list of those noxious weed seed that are not
17 classified as prohibited noxious weed seed, and which,
18 therefore, are classed by this chapter as restricted noxious
19 weed seed.

20 (e) A list of substances that are likely to be used for
21 treating grain or other crop seed, which the secretary
22 finds and determines are toxic to human beings or
23 animals if so used, together with an appropriate warning
24 or caution statement for each such substance.

25 (f) Establish methods and procedures, upon the
26 recommendation of the board, for the mandatory
27 conciliation, mediation, or arbitration of disputes
28 between labelers and any persons concerning the
29 conformance with label statements as required by this
30 chapter as a prerequisite to pursuing other dispute
31 resolution mechanisms, including, but not limited to,
32 litigation. However, if conciliation, mediation, or
33 arbitration proceedings are commenced under this
34 section to resolve a controversy, the statute of limitations
35 that applies to a civil action concerning that controversy
36 is tolled upon commencement of conciliation, mediation,
37 or arbitration proceedings, and until 30 days after the
38 completion of those proceedings. As used in this

1 subdivision, “completion of those proceedings” means
2 the filing of a statement of agreement or nonagreement
3 by the conciliator or mediator, or the rendering of a
4 decision by an arbitrator or arbitration committee.

5 Conciliation, mediation, or arbitration shall not affect
6 any enforcement action by the secretary pursuant to this
7 chapter. Regulations adopted by the secretary for the
8 mandatory conciliation, mediation, or arbitration of
9 disputes shall require that adequate notice be provided
10 on the seed label notifying any buyer of the requirement
11 to submit a labeling dispute to mandatory conciliation,
12 mediation, or arbitration as a prerequisite to other
13 dispute resolution mechanisms, including litigation.

14 (g) *Establish methods and procedures, upon the*
15 *recommendation of the board, for the mandatory*
16 *conciliation, mediation, or arbitration of disputes*
17 *between seed buyers and registered seed labelers*
18 *concerning contamination of purchased seeds by*
19 *seedborne diseases as a prerequisite to pursuing other*
20 *dispute resolution mechanisms, including, but not limited*
21 *to, litigation. However, if conciliation, mediation, or*
22 *arbitration proceedings are commenced under this*
23 *section to resolve a controversy, the statute of limitations*
24 *that applies to a civil action concerning that controversy*
25 *is tolled upon commencement of conciliation, mediation,*
26 *or arbitration proceedings, and until 30 days after the*
27 *completion of those proceedings. As used in this*
28 *subdivision, “completion of those proceedings” means*
29 *the filing of a statement of agreement or nonagreement*
30 *by the conciliator, mediator, or arbitrator or the*
31 *rendering of a decision by an arbitrator or arbitration*
32 *committee.*

33 *Conciliation, mediation, or arbitration shall not affect*
34 *any enforcement action by the secretary pursuant to this*
35 *chapter.*

36 (h) Establish additional labeling requirements for
37 coated, pelleted, encapsulated, mat, tape, or any other
38 germination medium or device used on agricultural or
39 vegetable seed in order that the purchaser or consumer

1 will be informed as to the actual amount of seed
2 purchased.

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